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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/668,560	09/22/2003	Robert P. Bartholomew	4164-195	2920

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EXAMINER	
HARPER, TRAMAR YONG	

ART UNIT	PAPER NUMBER
3714	

NOTIFICATION DATE	DELIVERY MODE
08/21/2008	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

USpatents@armstrongteasdale.com

Office Action Summary	Application No.	Applicant(s)	
	10/668,560	BARTHOLOMEW ET AL.	
	Examiner	Art Unit	
	TRAMAR HARPER	3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *30 May 2008*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-6,8-38,40-73,75,76 and 78-92* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-6,8-38,40-73,75,76 and 78-92* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

Examiner acknowledges Request for Continued Examination filed 05/30/08. Examiner acknowledges receipt of amendments/arguments filed 04/21/08. The arguments set forth are addressed herein below. Claims 1-6, 8-38, 40-73, 75-76, & 78-92 are pending, Claims 7, 39, 74, & 77 have been cancelled, and Claims 1, 4-6, 12, 14, 23, 58, & 75 have been currently amended.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-6, 8-38, 40-73, 75-76, & 78-92 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Independent claims 1, 23 and 58 recite the limitation of a session identifier configured to determine if a bonus session is active based on at least one of a location of the gaming machines and a type of gaming machine. However there is not sufficient support for one of ordinary skill in the art to make or use the invention. At best paragraph ¶72 of applicant's specification merely recites the **bonus identifiers** for purposes of identifying sessions wherein a player has received a bonus; however there is no support for an identifier configured to determine if a bonus

session is active based on at least one of a location of the gaming machine and a type of the gaming machine. Paragraph 56, has support for the system being capable of determining whether a bonus session is active or inactive and further defines the different types of bonus sessions such as bonus sessions for different groups of games e.g. types or bonus session for gaming machines of a particular area or group and even non-contiguous areas. The above fails to correlated or bring together the claimed invention with respect to **a bonus identifier configured to** determine if a bonus session is active **based on a location or a type of gaming machine** e.g. no where in the specification does it discloses that an identifier checks to determine if a gaming machine is active by checking a particular location or type of gaming machine. **Furthermore there is no support for any part of the system for determining a location of a gaming machine.** Paragraph 56 simply discloses that a bonus session can be confined to a particular area or non-contiguous areas, if desired, but does not disclose the system determining a location of a gaming machine. Examiner concludes that the Applicant does have sufficient support in regards to a bonus server/system configured to determine if a bonus session is active and determining a type of gaming machine.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-6, 8-23, 25, 27-37, 42, 43, 45, 46, 48, 49, 51-54, 57, 58, 60, 62-72, 78, 80, 81, 83-89, and 92 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Olsen (US 6,146,273) in view of Acres et al (US 5,655,961 B2).

The discussion of Olsen in view of Acres with respect to the claim limitations from the previous office action dated 02/21/08 is incorporated herein.

Regarding claims 1, 23 and 58: Olsen teaches the game having a bonus mode that is to be initiated at the gaming machines and to last for a certain amount of time (13:45-67) and further the machines are addressed by machine number corresponding to their location (G1-Gk, that is each machine having a unique corresponding G#, akin to an address/location identifier). The game of Olsen then determines which machines are eligible for a bonus jackpot during the bonus time period based on their bonus status (whether or not they are eligible for bonus play be being in a bonus session, 11:40-13:10). Olsen further teaches that once the bonus round is to start, all eligible machines are “locked-in” (12:20-40) while ineligible machines are "locked-out”. Olsen discloses that the controller includes memory and a CPU that is programmed and linked to the gaming machines for establishing and controlling the progressive jackpot (Col. 5:45-60). Therefore, based on the above lock-out function 262 the controller determines which gaming machines are participating within the bonus session and which are not participating within the bonus session. In regards to the determining active session based on at least a type of gaming machine, Applicants discloses that type of gaming machine can be interpreted to mean groups of gaming machines and/or

all the gaming machines together (¶ 78). At least in this regards Olsen determines which gaming machine are participated in the bonus period and which gaming machines are not e.g. which are active and which are not based on at least all the gaming machines. For added support, please refer to Fig. 11, wherein during step 1120 the bonus mode is active and then the controller checks each gaming machine to determine is eligible/(actively participating) in the bonus session before providing the bonus (Col. 22:45-56).

If applicant does not agree that Olsen's check of eligibility during the bonus period is not equivalent to checking an active status of the bonus session of a gaming machine, Acres provides further teachings for determination software, means, and methods for determining the bonus status of game machines (figure 34 and the detailed description thereof). Acres teaches activating and deactivating bonus sessions within individual gaming machines and determining if a bonus session is active for each gaming machine and if so and if certain criteria is met turning on the bonus e.g. the bonus pay table. Therefore it would have been obvious to one of ordinary skill in the art at the time of invention to determine the machines that are in a bonus session in order to provide the machines in the bonus session a bonus award. One would be motivated to do so because having a bonus mode that does not provide some unique benefit to the players/machines in the bonus mode would defeat the purpose of a bonus mode since players in said bonus mode would not have any advantage or extra incentive to be in the bonus mode (Olsen Col. 11:54-56 adds to rationale).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 24, 26, 38, 40, 41, 44, 47, 55, 56, 59, 61, 73, 75, 76, 79, 82, 90 and 91 are rejected under 35 U.S.C. 103(a) as being unpatentable over Olsen/Acres as discussed above and further in view of Rowe et al. (hereinafter as "Rowe") (US Patent Pub. 2002/0187834).

The discussion/rejection of Olsen and Rowe as applied to the claims as stated in the previous rejection dated 07/13/2007 is maintained, modified, and incorporated herein.

The only modification to the rejection would be the alternative addition of Acres to the prior art as discussed above in the rejection of claims 1, 23 and 58.

Claims 50 and 85 are rejected under 35 U.S.C. 103(a) as being unpatentable over Olsen/Acres in view of Pau (US Patent Pub. 2002/0042294).

The discussion/rejection of Olsen and Pau as applied to the claims as stated in the previous rejection dated 07/13/2007 is maintained, modified, and incorporated herein.

The only modification to the rejection would be the alternative addition of Acres to the prior art as discussed above in the rejection of claims 1, 23 and 58.

Response to Arguments

Applicant's arguments with respect to claims 1-38, 40-73 and 75-92 have been considered but are moot in view of the new ground(s) of rejection.

All arguments in regards to Olsen have been addressed or clarified above.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Torango (US 5,885,158), Olsen (US 6,210,275), Meyer (US 2002/0187836), Nakatsu (US 2005/0079911) all teach progressive systems with bonus sessions based on sub-sets of machines, time played on machines, etc.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TRAMAR HARPER whose telephone number is (571)272-6177. The examiner can normally be reached on 7:30am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezzuto can be reached on (571) 272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Ronald Laneau/
Primary Examiner
Art Unit 3714

TH 08/16/08